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25 of San Francisco

26 UNITED STATES BANKRUPTCY COURT
27
28 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

29 In re
30
31 THE ROMAN CATHOLIC ARCHBISHOP
32 OF SAN FRANCISCO,

33 Debtor and
34 Debtor in Possession.

Case No. 23-30564

Chapter 11

**NOTICE OF HEARING ON DEBTOR'S
SECOND MOTION TO EXTEND
DEADLINE TO ASSUME OR REJECT
UNEXPIRED LEASES OF
NONRESIDENTIAL REAL PROPERTY
PURSUANT TO SECTION 365(d)(4) OF
THE BANKRUPTCY CODE**

Date: March 7, 2024
Time: 1:30 p.m.
Location: Via ZoomGov
Judge: Hon. Dennis Montali

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1 **NOTICE IS HEREBY GIVEN** that The Roman Catholic Archbishop of San Francisco,
2 Debtor and Debtor-in-Possession herein (“Debtor”), has filed a *Second Motion to Extend*
3 *Deadline to Assume or Reject Unexpired Leases of Nonresidential Real Property Pursuant to*
4 *Section 365(d)(4) of the Bankruptcy Code* (the “Motion”) and that a hearing on the Motion is
5 scheduled before the Honorable Dennis Montali on March 7, 2024, at 1:30 p.m. at the United
6 States Bankruptcy Court, Northern District of California, San Francisco Division, before the
7 Honorable Dennis Montali (the “Hearing”). The Hearing will not be conducted in the presiding
8 judge’s courtroom but instead will be conducted by videoconference via ZoomGov. The
9 Bankruptcy Court’s website provides information regarding how to arrange an appearance at a
10 video or telephonic hearing. If you have questions about how to participate in a video or
11 telephonic hearing, you may contact the court by calling 888-821-7606 or by using the Live Chat
12 feature on the Bankruptcy Court’s website. The link to the judge’s electronic calendar is:
13 <https://www.canb.uscourts.gov/judge/montali/calendar>.

14 **NOTICE IS FURTHER GIVEN** that the Motion is supported by the *Declaration of*
15 *Joseph J. Passarello in support of Chapter 11 Petition and First Day Motions* filed on August
16 21, 2023, at [ECF No. 14] (“Passarello Background Decl.”), the *Declaration of Paul Gaspari in*
17 *Support of Chapter 11 Petition and First Day Motions* filed on August 21, 2023 at [ECF No. 15]
18 (“Gaspari Decl.”), and the additional *Declaration of Fr. Patrick Summerhays in support of this*
19 *Motion*, the pleadings and papers on file in this case, and such other evidence and argument as
20 may be submitted before or during the Hearing on the Motion.

21 By the Motion, the Debtor seeks, pursuant to section 365(d)(4) of title 11 of the United
22 States Code (the “Bankruptcy Code”) to extend the current deadline of March 18, 2024, to assume
23 or reject all unexpired leases of nonresidential real property (the “Assumption/Rejection
24 Deadline”) until the earlier of (i) the expiration of the term of the Unexpired Lease, or (ii) the
25 effective date of a reorganization plan for the Debtor in this Bankruptcy Case (the “Extended
26 Deadline”).

27 The Debtor is a party to the leases identified in Schedule G of the Debtor’s Schedules (the
28 “Unexpired Leases”) filed as Docket No. 152, including leases with Chesterton Academy of San

1 Francisco, Children's Council of San Francisco, Cruise LLC, Daughters of Charity, JEH
2 Enterprises, Inc., the Cemeteries, Seneca Family of Agencies, the Archdiocese of San Francisco
3 Parish and School Juridic Persons Real Property Support Corporation, the Roman Catholic
4 Seminary of San Francisco, and The Sleep Train, Inc./Mattress Firm. The Debtor has determined
5 that the Debtor's Unexpired Lease interests as lessee include (i) an Unexpired Lease entered by
6 the Debtor as lessee with The Archdiocese of San Francisco Parish and School Juridic Persons
7 Real Property Support Corporation, and (ii) a revocable license for the Debtor to use certain
8 nonresidential real property, and to the extent it constitutes a lease, a real property interest in the
9 ground upon which a building sits, both located at 320 Middlefield Road, Menlo Park, California
10 94025 and entered into with The Roman Catholic Seminary of San Francisco.¹

11 Pursuant to section 365(d)(4) of the Bankruptcy Code, if the Unexpired Leases for which
12 the Debtor is the lessee are not assumed or rejected on or prior to the Assumption/Rejection
13 Deadline, such unexpired leases shall be deemed rejected unless the Debtor receives, pursuant to
14 section 365(d)(4)(B) of the Bankruptcy Code, an extension of time within which it may assume
15 or reject the Unexpired Leases. In this case, there is sufficient cause to grant the Debtor's
16 requested extension of time within which it may assume or reject any Unexpired Leases.

17 The Debtor is in the early stages of the case and working to build a foundation for a plan
18 of reorganization. It is actively taking steps to develop a plan of reorganization with its
19 constituents. Additional time is needed to fully evaluate the progress and dynamics of the case,
20 and the potential effect of assumption or rejection of the lease under the unique circumstances of
21 this case.

22 **NOTICE IS FURTHER GIVEN** that this notice does not contain all the particulars of
23 the Motion or supporting documents, nor does it summarize all of the evidence submitted in
24 support. For further specifics concerning the Motion and the relief requested, you are encouraged
25 to review the Motion and the supporting evidence, including the supporting Declarations, copies

26
27 ¹ The real property has located on it the building commonly known as the "Archbishop's
28 Residence" reserved for the Archbishop or his designated use and may, therefore, include
residential real property; provided, however, that the Debtor has leased the building to the
Chesterton Academy of St. James, which operates a private Catholic high school at the premises.

1 of which may be obtained from the website to be maintained by the Debtor's Claims Agent Omni
2 Agent Solutions, Inc., at <https://www.omniagentsolutions.com/RCASF>. You may also access
3 these documents from the Court's Pacer system (requires a subscription). The web page address
4 for the United States Bankruptcy Court for the Northern District of California is
5 <http://www.canb.uscourts.gov>.

6 The Bankruptcy Court's website provides information regarding how to arrange a
7 telephonic or video appearance. Counsel, parties and other interested parties may attend the
8 hearing in person or by Zoom. Additional information is available on Judge Montali's Procedures
9 page on the court's website. Information on attending the hearing by Zoom will be provided on
10 Judge Montali's calendar posted on the court's website. The link to the judge's electronic
11 calendar is: <https://www.canb.uscourts.gov/judge/montali/calendar>.

12 **NOTICE IS FURTHER GIVEN** that any opposition or response to the Motion must be
13 in writing, filed with the Bankruptcy Court, and served on the counsel for the Debtor at the above-
14 referenced addresses so as to be received by March 22, 2024. Any opposition or response must
15 be filed and served on the Limited Service List as provided on the Omni website. The updated
16 Limited Service List may also be obtained from the Omni website listed above. Failure to file
17 timely opposition and appear at the hearing may constitute a waiver of your objections. Your
18 rights may be affected. You should read these papers carefully and discuss them with your
19 attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish
20 to consult one.

21 Dated: February 8, 2024

FELDERSTEIN FITZGERALD WILLOUGHBY
PASCUZZI & RIOS LLP

22
23 By: /s/ Jason E. Rios
24 PAUL J. PASCUZZI
25 JASON E. RIOS
26 THOMAS R. PHINNEY

27 Attorneys for The Roman Catholic Archbishop of
28 San Francisco

1 Dated: February 8, 2024

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

2
3 By: /s/ Ori Katz

ORI KATZ

ALAN H. MARTIN

4 Attorneys for The Roman Catholic Archbishop of
5 San Francisco
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